



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs 51786

Department of Environmental Quality Engineering

1 Winter Street, Boston 02108

ANTHONY D. CORTESE, Sc. D.
Commissioner

March 15, 1983

Merrill S. Hohman
Director, Waste Management Division
U.S. Environmental Protection Agency
John F. Kennedy Federal Building
Boston, MA 02203

Dear Mr. Hohman:

The Massachusetts Department of Environmental Quality Engineering is providing comments on the January 1983 Draft New Bedford Remedial Action Master Plan. Initially, the Department is requesting that the U.S. Environmental Protection Agency (EPA) be the lead agency in this Superfund site, that a state - EPA contract be executed. The Department is of the opinion that this is the most effective approach given the nature of the problem. Primarily, the administrative and technical resources required to implement the project is not available nor readily establishable in this state. The complexities of the numerous issues that will require interaction and coordination of the many agencies, especially the federal agencies, and the potential involvement of national and international policies and discussions dictate the need for a federal lead.

Secondly, the magnitude of the New Bedford problem will demand research into technologies for innovative solutions. This demanding forefront can best be commanded and funded by the already established federal research laboratories and institutions. This state is in no position, given a short time frame, to set up, fund, and staff research laboratories.

Finally, the public participation issues will be equally challenging. The U.S. EPA has an existing public participation policy and plan that can be implemented at the immediate onset of project activities.

However, in as much as this site will assume a federal lead, it is imperative that the Department play a significant and informed role in the full development and implementation of the entire project. The importance of the Department's involvement in the project cannot be overemphasized. The Department is very concerned that the decisions for and activities at this site be well coordinated to avoid problems that may seriously hinder the project's progress.

GENERAL COMMENTS

The New Bedford Superfund Remedial Action Master Plan (RAMP) is a good comprehensive document. It divides the magnitudinous problem into subcomponents, it identifies work projects and provides long-range planning dates and cost estimates.

The RAMP, however, failed to review, evaluate, use, and build upon the presently existing large data base. In this respect, it violates the very purpose of a RAMP - to review available data. The Department does not appreciate the implied recommendation of the RAMP to (re-) evaluate all the problems, gather all (new) data, and publish a new study. The Department is of the opinion that the \$3.5 million additional study is not fully warranted for this project.

To be discussed in greater details in the following paragraphs, the Department is seriously recommending that the highest project priority be given to the identification of disposal options/methods for the polychlorinated (PCB) waste, and that this identification be completed prior to all other projects. Project 004 (Sampling Investigation Achushnet River Estuary/New Bedford Harbor/Buzzards Bay) and Project 008 (Investigation of Biological, Chemical and Geophysical Pathways in New Bedford Harbor) should follow next in priority. Upon their completion, Project 009 (Feasibility Study) should be initiated. Also, hot spot dredging and ambient air testing should be implemented this summer.

Moreover, a study should be undertaken to determine the origin of the PCBs before any dredging takes place. This study is most important for enforcement purposes.

Finally, some reference should be made in the RAMP to any health studies, epidemiology, clinical, etc., that is planned for the project area. This would provide a more complete perspective on the project activities.

SPECIFIC COMMENTS

The specific comments on the RAMP are divided below into four subcategories: priorities, issues/comments, additional data needs, and corrections.

Priorities:

The objectives of remedial action, as outlined on page 5 of the RAMP, are not clear nor consistent with what is actually presented throughout the RAMP. The objectives should be more appropriately stated as follows:

- o To protect the health and welfare of the public and the environment;
- o To enable the return of commercial fishing in PCB - impacted areas;
- o To allow proposed maintenance and developmental dredging projects in New Bedford Harbor;

- o To restore the recreational potential of the harbor including recreational fishing and lobstering.

Secondly, the Department disagrees with the priority of the project work activities as outlined in the Remedial Action Master Plan. The Department is of the opinion that the issue of first and utmost importance, without which the entire project would be meaningless, is Project 010 - The Investigation of Potential Disposal Sites for the PCB waste. The RAMP itself alludes to this fact throughout its discussion: 1) the investigation of the highest sediment PCB concentration in the area (upper Acushnet River Estuary) is stated as the RAMP's first priority; the resolution of the disposal issue underlies the resolution of this investigation issue; 2) the greatest impediment, as stated, of harbor dredging of all kinds is the non-resolution of this disposal issue.

The substantial amount of research done in the last three years on detoxification and disposal of PCBs should be reviewed in this project work process. And, all potential containment sites within the Harbor should be evaluated and classified in respect to their possibilities to be used as secured sites. Cost estimates should also be provided for each of their usages. The RAMP should further investigate the options and methods by which six (6) million cubic yards of contaminated dredge spoils be secured within the Harbor.

Thirdly, the following projects should follow in priority;

Project Work #004 - Sampling Investigation - Acushnet River Estuary/
New Bedford Harbor/Buzzards Bay.

Project Work #008 - Investigation of Biological, Chemical, and Geophysical Pathways in New Bedford Harbor. When the above three projects are completed, then one can begin Project Work #009 Feasibility Study. The feasibility study should establish a preliminary target value for the PCB concentrations to be addressed in the sediments. This should be established after a review of all existing data and information on the site and on PCB hazards. It is also important that the hot spot dredging and the ambient air testing (Project #001) be implemented this summer.

Finally, to take two years to complete the task of the Evaluation of Technical Feasibility and Institutional Constraints of Remedial Alternatives, is too long. The Department is anxious to make the Task a top priority with a much shorter completion date.

Issues/Comments:

1. pg. 19 - 2.3.2. - 2nd paragraph - Most of the PCB's in the sanitary landfill are not "solid", but liquid located inside capacitor bodies. Ash from the sewage treatment plant incinerator is a minor source of PCB's to the sanitary landfill.
2. pg. 20 - 2.3.2. - top of page - The Department does not believe the aquifer is "artesian".

2nd paragraph - little has changed so why is old data of little value?

3. pg 26 - 1st paragraph - More emphasis should be given to the fact that the Geotechnical Engineers and Malcolm Pirnie reports readily discuss alternatives to conventional dredging and disposal of harbor sediments. All practicable options, excluding purely academic options, should be given due consideration.
4. pg. 29 - 1st paragraph - Care must be taken not to puncture the peat bottom and release PCB's to the underlying aquifer - disposal of salt laden marine sediments is NOT an option at the landfill upgradient of Dartmouth's well.
5. pg. A-32 - 1st paragraph - No upland secure site is likely, feasible or politically possible; an alternative approach needs to be evaluated. To assess an upland site for a secured PCB landfill will definitely raise local emotions.
6. pg. 38 - The issue of regulatory waivers need not be addressed at this early stage of the project.

7. Project 011 - Identification of Permit Requirements

a. The Project Work Statement purports to list state statutes and agencies which may pertain to or have responsibility for permitting recommended remedial work. These lists are incomplete. Since the purpose of this particular project is to identify state (and federal) requirements and since parts of this task include the identification of relevant statutes, regulations and agencies, the omissions are not a cause for immediate concern. However, the person or agency who undertakes this project should be sure to complete the list of applicable state statutes, regulations and agencies before beginning to identify permit requirements.

b. Secondly, the rubric of state and federal regulations is extremely complex. The selection process for a contractor for this project should include careful consideration of an applicant's competence and familiarity with the broad scope of regulations involved.

c. Thirdly, this project will not be useful if it is merely an abstract inventory. Rather it will be of value only if each of the legal requirements is honed specifically to technical details of well-defined potential remedial actions. To adequately identify permit requirements, the contractor for this project must interface with contractors for other projects and must be kept informed of recommended remedial actions proposed as part of other projects.

Additional Information/Data Needs

1. Pg. 22 - 2.3.4. - 1st paragraph and figure 2-1b - more data is needed on sediments, water column; and quahogs for PCB's in Clark's Cove.
2. Project 004: Elutriation tests are needed to fulfill needs of regulatory agencies that use this type of information in granting permits, licenses, etc.

Corrections

pg. 9 - last paragraph - The PCB Commission was established by Executive Order, not EOEA.

pg. 38 - 4.3 - there is no end to the paragraph.

pg. A - 5 - 003 - will need to contact Massachusetts Water Resources Division for well data too.

If you have any questions or comments, please do not hesitate to get in touch with Ms. Yee Cho of my staff at 292-5630.

Very truly yours,


Anthony D. Cortese, Sc.D.
Commissioner
Department of Environmental Quality
Engineering

ADC/YC/am